

DOCKET: AQUT100001000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR:	Rikki C. Buckworth)	EXAMINER:	J.G. Hoekstra
)		
SERIAL NO.:	10/537,106)	ART UNIT:	3736
)		
FILING DATE:	December 2, 2003)	DATE:	April 14, 2009
)		
FOR:	Fish Biopsy Device)		

RESPONSE TO RESTRICTION REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed March 31, 2009, and the invention restriction requirement made therein, applicants provisionally elect Group I, claims 1-25, drawn to a fish biopsy device, for continued examination herein.

Applicants traverse the invention restriction requirement on the grounds that a search of the subject matter of Group II, claims 26-28, drawn to a method of obtaining a biopsy material that specifically recites using the fish biopsy device of claims 1-25, would necessarily require a search of the subject matter of Group I, claims 1-25, drawn to the fish biopsy device itself.

Regarding the species restriction, applicants provisionally elect Species A, Figs. 1-3, on which claims 1-17, 24 and 25 read. It should be noted that, while the claimed device may initially have the shape of a fish hook, it does not function as such and in fact cannot

be used as a hook since the bend portion of the device is formed from a pliable material. When struck by a fish, the pliable portion straightens so that the tip cannot lodge within the mouth of the fish as happens with a true fish hook.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter W. Peterson', written over a horizontal line.

Peter W. Peterson

Reg. No. 31,867

DeLIO & PETERSON, LLC

121 Whitney Avenue

New Haven, CT 06510-1241

(203) 787-0595

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